

# Notice of Allowability

Application No.

09/873,847

Examiner

Mary Cheung

Applicant(s)

HASEGAWA, YUTAKA

Art Unit

3621

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on May 12, 2005.
2. ☒ The allowed claim(s) is/are 1 and 4-6.
3. ☒ The drawings filed on 04 June 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Gregory Stobbs on July 22, 2005.

3. The application has been amended as follows:

In line 11 of claim 5, the word --electronically-- has been inserted before the word "transmitting";

In line 12 of claim 5, the word --electronically-- has been inserted before the word "receiving";

In line 14 of claim 5, the word --electronically-- has been inserted before the word "transmitting";

In line 16 of claim 5, the word --electronically-- has been inserted before the word "charging".

### ***Allowable Subject Matter***

4. Claims 1 and 4-6 are pending. Claims 1 and 4-6 are allowed.

5. The following is an examiner's statement of reasons for allowance:

The closest prior art of Sako et al. (US 2002/0128936 A1) teaches an information distributing apparatus and method wherein value standards of content information to be distributed to a user exhibit different usage values distinguished by a trait of the content information and selectable by the user. Billing for receipt of the information is based on

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the value standards, and the content, standards and billing information are distributed to the user.

In regarding to independent claims 1 and 4-6, Sako taken either individually or in combination with other prior art of record fails to teach or suggest transmitting content to a client upon the client's request, wherein the content consisting of a plurality of related media content parts to be combined to express said content as a plurality of levels of selectable grades and wherein at least some of said parts have an associated restriction that inhibits that associated part from being combined to express said content; and transmitting a restriction removing data to the client upon the client's request, wherein the restriction removing data functions to permit corresponding media content part to be combined to express the selected level of grades. In contrast, the content transmitted to the client in Sako' teaching is not a combined plurality of levels of selectable grades but a fixed selected grade.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The article titled "CD-I vs. DVI. (compact disk-interactive; digital video interactive)" by Desmarais (CD-ROM Librarian, v4, n3, p24 (5), March 1989, ISSN: 0893-9934).

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Inoue et al. (U. S. Patent 6,865,552) discloses data copying system.

***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(571) 273-8300 (Official Communications; including After Final  
Communications labeled "BOX AF")

(571) 273-6705 (Draft Communications)

Mary Cheung  
Primary Examiner  
Art Unit 3621  
July 22, 2005



MARY D. CHEUNG  
PRIMARY EXAMINER